

Riflepit Project

Decision Notice

Finding of No Significant Impact

Northern Hills Ranger District

Black Hills National Forest

Lawrence County, South Dakota

August 2004

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT

RIFLEPIT PROJECT

USDA Forest Service
Black Hills National Forest
Northern Hills Ranger District
Lawrence County, South Dakota

INTRODUCTION

The Riflepit Project Environmental Assessment (“EA”) discloses the environmental effects of proposed activities associated with the harvest of timber and other activities in the Riflepit project area. The EA is tiered to the Black Hills National Forest 1997 Revised Land and Resource Management Plan (“Revised Forest Plan”), associated Final Environmental Impact Statement (“FEIS”), and Phase I Amendment.

An interdisciplinary team (“IDT”) of resource specialists conducted the effects analysis and prepared the EA. In accordance with the National Forest Management Act and the National Environmental Policy Act, the IDT considered the affected area, formulated alternatives, and estimated environmental consequences based on Revised Forest Plan and Phase I Amendment goals, objectives, standards, and guidelines, and issues raised during scoping. I have reviewed the EA, Revised Forest Plan and Phase I Amendment direction relevant to the project area, and related material including the Riflepit project file. I base my decision on that review.

The Riflepit EA, Revised Forest Plan, FEIS, and Phase I Amendment are available for review at the Northern Hills Ranger District office of the Black Hills National Forest in Spearfish, South Dakota, and the Forest Supervisor's office in Custer, South Dakota.

Location

The Riflepit project consists of 9,020 contiguous acres in Lawrence County, South Dakota located in the northwestern Black Hills, and bordered on the west by the Wyoming state boundary. While the proposed project area includes 679 acres of scattered private lands, all proposed activities would occur on National Forest System lands. Travel, including log hauling, may cross private lands on which the Forest Service has acquired right-of-way.

The legal description of the project area is identified in Table 1.

Table 1. Project Area Legal Description, Black Hills Meridian

Township	Range	Sections
3 North	1 East	5,6,7,8,9,15,16,17,18,19,20,21,22,27,28,29,30,31,32
4 North	1 East	1,2,3,4,5,7,8,9,16,17,18,19,20,29,30,31,32

Forest Plan Management Area Designation

The Forest Plan assigns a management emphasis to each geographical area (management area) of the National Forest to meet multiple-use objectives. The Forest Plan describes a desired future condition, goals, objectives, standards, and guidelines for each management area. The Riflepit project area is within Management Area 5.1. These areas are managed for wood products, water yield and forage production, while providing other commercial products, visual quality, diversity of wildlife and a variety of other goods and services.

PURPOSE AND NEED

The Riflepit Project will implement the Forest Plan by reducing the risk of insect infestations, reducing fuel hazards contributing to catastrophic wildfires, and offering commercial wood products on suitable and available timber lands. The proposed action will respond to specific Revised Forest Plan goals and objectives. The goals and objectives protect natural resources; provide for diverse ecosystems; provide for wildlife habitat; provide for sustained commodity uses and production; and provide for scenic beauty, recreational opportunities, and heritage resource protection. These needs are tied to Forest Service laws, policies, and regulations, especially the Revised Forest Plan and Phase I Amendment objectives, standards, and guidelines.

DECISION

After careful consideration of applicable laws, regulations, and policies; Revised Forest Plan and Phase I Amendment direction; environmental effects and other information contained in the EA; and public comments received on the pre-decision EA, I have decided to implement Alternative D. My rationale for this decision is described in detail below.

Planned Activities

The following projects will be implemented in the Riflepit project area, subject to availability of funds. Figures are approximate. Detailed descriptions and maps are available in the project file, and Chapter Two and Appendix D of the EA. Treatment unit layout may vary slightly from the boundaries shown on the maps depending on ground conditions. Any differences between the EA and final layout will be documented in the project file.

Silviculture Treatments

Shelterwood preparation cut: The 540 acres of shelterwood preparation cut removes trees near the end of a rotation to open the canopy. This will enlarge the crowns of seed bearers, improving conditions for seed production and natural regeneration. In most stands the stocking of trees will be 60-80 square feet of basal area per acre, or the equivalent of 43 to 57, 16-inch diameter trees per acre.

Shelterwood seed cut: The 202 acres of shelterwood seed cut is a regeneration harvest. All mature trees on the site are removed except for selected seed-bearing trees retained to provide a seed source for stand regeneration. In most stands the stocking of seed trees will be 30 square feet of basal area per acre. That will be the equivalent of 21, 16-inch diameter trees per acre.

Shelterwood removal cut: This 319 acres of harvest will remove the last seed-bearing trees after regeneration is established. Some over mature trees will be retained for future snags, and will be clumped. The Riflepit project will retain at least five mature trees per acre for future snags.

Commercial thin: Thinning of 889 acres will remove some of the trees in a stand to meet desired conditions. Commercial thinning harvests usually reduce stand density to 60 or 80 square feet of basal area per acre, or the equivalent of 110 to 147 trees 10 inches in diameter per acre. Poorer quality trees will be removed. The tallest, best-formed trees with greater-than-average diameter will be retained.

Pine encroachment control: This treatment will remove conifers in 416 acres of hardwood stands. Reducing the stocking of pine in these areas will slow the natural succession from aspen or aspen/birch to pine, and decreases competition for light and nutrients. This will improve the health of the existing aspen or aspen/birch and the health and growth of aspen and birch sprouts. Encroachment control may also be part of an aspen regeneration clearcut. Some of the large, mature or overmature ponderosa pine will be retained to maintain stand diversity.

Harvesting in ponderosa pine stands reduces forest density, which reduces the risk of mountain pine beetle infestation. All shelterwood and thinning harvests will reduce bark beetle risk (see section 3.2 of the EA).

Hardwood restoration and maintenance: “Restoration” restores stands back to a hardwood type that have been taken over by pine, and consists of treating mixed conifer/hardwood stands to meet Forest Plan guideline 2205. This treatment will occur on 185 acres and leave no more than 10 overstory conifers per acre and treat the conifer understory and hardwood component to shift the dominance of basal area from conifer to hardwood. “Maintenance” will occur on 62 acres and removes conifer trees out of hardwood stands to maintain the hardwoods.

Sanitation: Sanitation cutting to remove or treat insect infested or diseased trees could occur on any of the 2613 commercial harvested acres. Sanitation is accomplished by commercial operations (timber sale) or non-commercial methods, such as felling and peeling the bark of infested trees. The removal of insect infested trees will reduce the spread of insects to other trees, decrease mortality, and maintain stand stocking at planned, desired levels.

Coppice or coppice with standards system: Coppice harvest will regenerate hardwood (aspen and/or birch) stands originating primarily from vegetative reproduction, or root sprouts on 9 acres. All standing trees will be cut and an even-aged stand sprouts from existing roots. Coppice with standards will retain selected hardwood trees and produces a two-storied stand. This treatment will be accomplished after the timber sale through a service contract, district crews, or firewood cutting. Mitigation included in chapter two of the EA will retain hardwood slash on-site to protect post-treatment aspen regeneration.

Old-growth/mature stand enhancement: Two hundred sixty-six acres of stands with old-growth characteristics will be maintained or managed for those characteristics. Underburning selected ponderosa pine stands will maintain or gain the characteristics of fire-maintained ponderosa pine old-growth. Use of low-intensity surface fires may eliminate or thin ponderosa pine regeneration and regenerate aspen inclusions. Cutting regeneration and small non-merchantable conifers may occur before underburning.

Meadow enhancement: Young pine trees encroaching on meadows will be cut and slashed on 15 acres to maintain the forage base and landscape diversity. Prescribed burning may follow this treatment.

Non-commercial: Thinning of sapling or small pole-size trees will take place on 13 acres. Slash for this treatment will be chipped to reduce the fuel hazard.

Timber and POL wood products will be harvested from a total of 2,613 acres, producing a net yield of approximately 9.8 MMBF.

Table 2 displays the acres of commercial harvesting activities by treatment. Table 3 displays the non-commercial treatments.

Table 2. Commercial Harvest Treatment Summary

Commercial Harvest Treatments	Acres Treated	Totals
Shelterwood preparation	540	
Shelterwood seedcut	202	
Shelterwood removal	319	
Commercial thinning	829	
Thinning and pine encroachment control	60	
Hardwood maintenance and restoration		
• Pine encroachment control	416	
• Hardwood maintenance (removes conifer trees out of hardwood stands to maintain the hardwoods)	185	
• Hardwood restoration (restores stands back to a hardwood type that had been taken over by pine)	62	
Subtotal		2,613

Table 3. Non-commercial Treatment Summary

Non-commercial Harvest Treatments	Acres Treated	Totals
Hardwood maintenance		
• Coppice or coppice with standards	9	
Old growth/mature stand enhancement	266	
Meadow enhancement	15	
Non-commercial thinning (chip slash)	13	
Subtotal		303
Commercial and Non-commercial Treatment TOTAL:		2,916

Fuels Treatments

Whole-tree yarding: Whole-tree yarding (WTY) will skid harvested trees with tops and limbs attached, to a log landing. Limbs and tops are then removed, piled and burned. Most WTY will occur adjacent or near private property to minimize the fuel hazard next to private land. In total 598 acres of WTY will be accomplished, with 191 of the acres also identified for an understory controlled burn.

Lop and scatter: Lop and scatter is a mechanical technique to place slash on or near the ground by cutting or trampling all tree tops that are two feet high or higher. Lopping and scattering slash reduces the fuel hazard of the material and shortens the length of time for the slash to break down into organic matter. Of the 2,305 acres of this treatment that is identified, 566 of the acres may also be burned to further reduce the fuel hazard.

Chip slash: Slash will be chipped on 13 acres that is associated with non-commercial thinning of saplings and small pole-size trees. The slash will be chipped to reduce the fuel hazard.

Prescribed underburning/meadow burning: Underburning and meadow burning typically improve big game habitat by improving grasses, forbs, and shrubs for forage. Songbirds and raptors also benefit from meadow burning, which rejuvenates foliage for ground-nesters and improves prey species habitat. Such burns are proposed for 1,515 acres. These treatments will occur outside the harvest units and will reduce fuel hazard, and improve and maintain the health of meadows. Young pine trees encroaching on meadows may be cut and slashed prior to prescribed burning.

These fuels treatments will occur both in association with the silvicultural treatments and outside of these areas as displayed in Table 4.

Table 4. Fuel Treatments.

Fuel Treatments in Harvest Units	Acres Treated	Totals
WTY, piling, and burning <u>without</u> follow-up underburning	407	
WTY, piling, and burning <u>with</u> follow-up underburning	191	
Lop and scatter without further treatment	1,739	
Lop and scatter followed by underburning (includes Lop and scatter of small trees in mature pine stands)	566	
Chip Slash	13	
Subtotal		2,916
Fuel Treatments Outside of Harvest Units	Acres Treated	Totals
Prescribed underburning only	550	
Meadow burning only	208	
Subtotal		758
Fuel Treatment Inside and Outside Units		
TOTAL:		3,674

Transportation Management

Existing roads will be managed as follows:

- 14.2 miles of reconstruction,
- 23.0 miles of maintenance,
- 13.0 miles of decommissioning, and
- 9.2 miles of year-long road closures.

In addition, there would be approximately 1.6 miles of new road construction. These road management measures will reduce road density in the project area from approximately 4.1 to 2.8 miles/sq. mile.

Mitigation and Monitoring

The following mitigation and monitoring measures will apply to my decision to prevent adverse effects or to maintain acceptable limits of change during implementation of project activities: Revised Forest Plan and Phase I Amendment standards and guidelines (Chapters II and III); State of South Dakota Best Management Practices (BMPs) for the Control of Nonpoint Pollution from Silvicultural and Related Road Activities; requirements in the Watershed Conservation Practices Handbook (Forest Service Handbook 2509.25); guidelines to prevent the spread of noxious weeds as identified in the 2003 Black Hills National Forest Weed Management Plan; and site-specific

mitigation measures listed in Chapter Two of the Riflepit EA (Section 2.5). Project activities will be monitored according to the plan presented in Section 2.7 and Appendix B of the EA.

Decision Process

Public Involvement

During the scoping process for this project, the IDT identified members of the public who may have had an interest in the decisions made for the project area or whom the proposed projects could have affected. The individuals, groups, agencies and organizations contacted during initial scoping are listed in the project file. Scoping outreach and responses are contained in the project file.

Scoping comments from the general public were key to developing issues. The ID team also considered internal comment from Forest Service resource specialists, other agencies, organizations, and landowners in the development of the following issues.

- Effects of timber harvest and vegetative management on wildlife habitat
- Effects of not treating stands with high and moderate bark beetle risk and high fuel hazard risk
- Effects of transportation system management
- Effects of prescribed burning

Public comments were received when the District released the pre-decision EA in October, 2003, for a 30-day comment period in accordance with Federal regulations at 36 CFR 215. Comments (and agency responses) from both comment periods are included in Appendix C of the EA. I concur with the responses in Appendix C. The analysis addresses all issues to my satisfaction.

Alternatives Considered in Detail

Four alternatives were evaluated in detail in the EA, including the no action alternative. Complete descriptions of the alternatives considered in detail, including management activities and how each alternative addresses issues, are contained in Section 2.6 of the EA. I believe the alternatives adequately address the issues raised during the analysis. The range of alternatives (including those dismissed from detailed study) is adequate.

The No Action alternative would not implement any vegetation management or roads management projects in the Riflepit project area.

Alternative D will implement management actions as described above.

Alternative B identifies various vegetation harvest treatments, fuel treatments and transportation management actions. When compared to alternative D, this alternative involves 243 less acres of commercial harvest treatment, 65 less acres of non-commercial harvest treatment, 308 less acres of fuel treatments, and involves less year-long road closures. This alternative identified approximately 9.1 million board feet of commercial timber harvest.

Alternative F also identifies various vegetation harvest treatments, fuel treatments and transportation management actions and emphasizes wildlife habitat enhancement. When

compared to alternative D, this alternative involves 643 less acres of commercial harvest treatment, 265 more acres of non-commercial harvest treatment, 176 less acres of fuel treatments, and involves less year-long road closures. This alternative identified approximately 6.9 million board feet of commercial timber harvest.

Comparison of Alternatives

In making my decision, I compared the alternatives to determine how well they addressed the purpose of and need for action. The purpose of and need for action is to implement the Forest Plan by reducing the risk of insect infestations, reducing fuel hazards contributing to catastrophic wildfires, and offering commercial wood products on suitable and available timber lands.

The summary of Forest Plan direction and management opportunities presented in the EA (Section 1.4) clearly indicates that actions are needed to respond to the purpose and need and move the existing forest resource conditions toward the Forest Plan desired condition. Because of this, Alternative A (no action) does not respond well to the purpose of and need for action. No actions would be taken to reduce the risk of mountain pine beetle infestation, reduce hazardous fuels, or produce timber. This alternative would not produce commercial timber in Management Area 5.1, where timber production is an emphasis.

All of the action alternatives address the purpose and need in varying levels of magnitude. They all would reduce the risk of mountain pine beetle infestation, reduce hazardous fuels, and produce timber. Alternative D would treat the most acres at high and medium insect infestation risk, would reduce the most acres of hazardous fuels, and produce the most timber. Alternatives B and F would also accomplish these actions, but to a lesser degree. Table 5 displays how each alternative would satisfy the project purpose and need.

Table 5. Satisfaction of the Project Purpose and Need by Alternative

Treatment	Alternative A	Alternative B	Alternative D	Alternative F
Bark Beetle Risk Reduction (acres)	0 acres	1,715 acres	1,950 acres	1,466 acres
Bark Beetle Sanitation (acres)*	0 acres	2,370 acres	2,613 acres	1,970 acres
Fuel Hazard Reduction (acres)	0 acres	3,356 acres	3,674 acres	3,498 acres
Commercial Wood Products Harvested (MMBF)	0 MMBF	9.1 MMBF	9.8 MMBF	6.9 MMBF

*Sanitation would occur where needed on the acreages displayed.

Table 6 and 7 display a comparative summary of the extent of the proposed treatments.

Table 6. Comparative Summary of Proposed Actions by Alternative (acres)

HARVEST TREATMENTS - COMMERCIAL				
Commercial Harvest Treatments	Alternative A	Alternative B	Alternative D	Alternative F
Shelterwood preparation harvest	0 acres	477	540	468
Shelterwood seed cut harvest	0	130	202	33
Shelterwood removal harvest	0	319	319	15
Thinning	0	729	829	843
Thinning and pine encroachment control harvest	0	60	60	107
Hardwood maintenance and restoration harvest				
• Pine encroachment control	0	408	416	283
• Hardwood maintenance	0	185	185	186
• Hardwood restoration	0	62	62	35
Commercial Harvest Treatments – Subtotal	0	2,370	2,613	1,970

HARVEST TREATMENTS – NON-COMMERCIAL				
Non-commercial Harvest Treatments	Alternative A	Alternative B	Alternative D	Alternative F
Hardwood maintenance: Coppice or coppice with standards cutting	0	9	9	0
Old growth/mature stand enhancement	0	201	266	156
Meadow enhancement	0	15	15	412
Ladder fuel reduction thinning (chip slash)	0	13	13	0
Non-commercial Harvest Treatments – Subtotal	0	238	303	568

HARVEST TREATMENTS - TOTALS				
Commercial and Non-commercial Treatments TOTAL:	0	2,608	2,916	2,538

FUEL TREATMENTS – WITHIN HARVEST UNITS				
Fuel Treatments in Harvest Units	Alternative A	Alternative B	Alternative D	Alternative F
WTY, piling, and burning <u>without</u> follow-up underburning	0	407	407	211
WTY, piling, and burning <u>with</u> follow-up underburning	0	191	191	197
L&S without further treatment	0	1,552	1,739	762
L&S followed by underburning (includes L&S of small trees in mature pine stands)	0	445	566	1,368
Chip slash	0	13	13	0
Fuel Treatment in Harvest Units – Subtotal	0	2,608	2,916	2,538

FUEL TREATMENTS – OUTSIDE HARVEST UNITS				
Fuel Treatments Outside of Harvest Units				
Prescribed underburning only	0	540	550	765
Meadow burning only	0	208	208	195
Fuel Treatment Outside of Harvest Units – Subtotal	0	748	758	960
FUEL TREATMENTS - TOTALS				
Fuel Treatment Inside and Outside Units				
TOTAL:	0	3,356	3,674	3,498

Table 7. Summary of Proposed Transportation Management Activities by Alternative

Activity	Miles (approximate)			
	Alt A	Alt B	Alt D	Alt F
Miles of Construction and Maintenance				
Roads constructed	0.0	1.6	1.6	0
Roads reconstructed	0.0	14.2	14.2	6.2
Pre-use road maintenance	0.0	23.0	23.0	18.4
Miles of Decommissioning				
System roads decommissioned	0.0	0.5	0.5	0.5
Non-system roads decommissioned	0.0	12.5	12.5	12.5
Miles of Roads (open and closed)				
Roads open summer only	0.2	8.6	6.3	6.0
Roads open all year	48.3	24.1	20.9	20.9
Roads closed all year	4.9	3.7	9.2	7.9
Total road density (miles of roads per square mile of land)	4.1	2.8	2.8	2.7

Reasons for My Decision

In making my decision, I considered public comments, how well the alternatives addressed the purpose and need for action, and the degree to which the alternatives responded to issues raised during the analysis. I also considered how well the alternatives met Revised Forest Plan and Phase I Amendment goals and objectives, management area direction, and standards and guidelines.

I reviewed the Riflepit EA and associated documents to determine whether the Forest Service needs to take management actions in the Riflepit project area to comply with the Revised Forest Plan and Phase I Amendment. I found that the EA clearly indicates that action is needed in the project area. Given this information, and the lack of any compelling information on why the area should not be managed, I have decided to implement timber harvest, fuel reduction, travel management, and other associated activities in the Riflepit project area, consistent with Forest Plan direction. This decision leads to the rejection of Alternative A (no action).

Some comments on the pre-decision EA focused on concerns that the project may adversely affect wildlife and biodiversity. A closely related comment indicated that more roads should be closed to enhance wildlife habitat. All of the analyzed action alternatives would be in compliance with Forest Plan standards and guidelines for wildlife habitat capability, and all alternatives close several roads. When compared to the other action alternatives, the selected alternative (D), involves the most miles of year-long road closures, although it will provide sufficient access for fire control and resource management.

Other comments expressed a desire to see more acreage treated than proposed. These comments indicated more vegetation management is needed to reduce susceptibility to mountain pine beetle reduce heavy fuel loads. These concerns influenced my decision to

select alternative D, since that alternative will result in the most mountain pine beetle risk reduction and involves the most acres of fuels treatment of any of the action alternatives. I did not select alternative B or F, as neither of these alternatives would reduce bug risk or fuel loads to the magnitude exhibited by alternative D.

Additional comments were received concerning protection of sacred sites, consultation with tribal elders, and treaty rights. The Forest maintains a continuously updated mailing list of Tribal chairpersons, council members, staff, and elders who have been identified by the Tribes as points of contact for cultural sites and Forest management in general. These individuals were contacted during the Riflepit planning process. No sacred sites were identified. All alternatives address these concerns and would be in compliance with applicable cultural resource laws and regulations.

Prescribed burning is another point of contention in the public comments. There were concerns about the effectiveness of burning, as well as concerns about the risk of a prescribed burn escaping control. To address these concerns, over half of the areas proposed for fuel hazard reduction treatments will not be burned, but will receive mechanical fuel reduction treatment. In addition, the mitigation identified in Section 2.5 of the EA addresses these concerns by requiring whole tree yarding and prescribed burn plans prior to implementation of the project.

I considered additional information that has become available since the pre-decision EA was released for public comment. This additional information includes 1) effects on wildlife and plant species added to the Regional Forester's sensitive species list on November 3, 2003, 2) a new occurrence of *Botrychium lineare* (Region 2 USFS sensitive species, 2003 occurrence) located in the Black Hills about 10 miles north of the project area 3) results of consultation with the Cheyenne River Sioux Tribe Preservation Program, 4) effects on migratory bird species of concern, and 5) clarification of effects on Management Indicator Species and soils. None of this information changed the project's scope, alternatives, or effects. Effects on wildlife and plants are of the same type and intensity as those disclosed in the EA. Review of the additional information did not indicate any reasons to modify the decision.

Considering the public comments and the information in the EA, I find that the Alternative D best addresses the purpose and need statement, significant issues, and Revised Forest Plan and Phase I Amendment direction. The timber harvest and vegetation management actions identified in Alternative D are consistent with the Revised Forest Plan and Phase I Amendment management area direction. Timber harvest is an integral part of the management prescription for Management Area 5.1 and is an economical tool for implementing the Revised Forest Plan.

No new information was identified to indicate why the proposed vegetation management actions should not take place in the project area.

CONSISTENCY WITH THE LAND AND RESOURCE MANAGEMENT PLAN

Regulations at 36 CFR 219.10(e) require me to ensure that permits, contracts, cooperative agreements, and other activities carried out on the Black Hills National Forest are

consistent with the Forest Plan and Phase 1 Amendment. My decision is consistent with this direction in that:

- Planned activities will contribute to Forest Plan and Phase 1 Amendment goals and objectives (EA Section 1.4). They will not detract from or jeopardize any goal or objective.
- I have reviewed the BHNF FY 2003 Monitoring and Evaluation Report and Region 2 MIS guidance for projects. The effects of planned activities on management indicator species are consistent with the Forest Plan.
- Planned activities are consistent with management area direction.
- Planned activities comply or move towards compliance with Forest Plan and Phase 1 Amendment standards and guidelines (EA Section 2.8).
- Planned activities meet resource protection and other requirements of 36 CFR 219.16 and 219.27:
 - No timber harvesting will occur on lands not suited for timber production. No harvest will occur for timber production purposes on lands classified as unsuitable for timber harvest.
 - Adequate restocking is assured. A certified silviculturist determined that areas identified for regeneration harvest (for timber production purposes) are capable of being regenerated within five years of final harvest. Stands in the vicinity with comparable site conditions have received similar silvicultural treatment and resulted in full stocking within five years of final harvest.
 - Clearcutting must be determined to be the optimum method. Clearcutting has been determined to be the optimum method to meet the objectives of the Forest Plan where it is prescribed. Clearcutting aspen, coppice regeneration method, stimulates the most suckers because it removes all overstory competition. This is the optimum method for achieving aspen regeneration in the identified areas.
 - Culmination of Mean Annual Increment (CMAI) requirements are met. All even-aged stands proposed for shelterwood seedcut have generally reached culmination of mean annual increment (CMAI) 36 CFR 219.16 (silviculture analysis, project file). The National Forest Management Act, at 16 U.S.C. 1604(m)(2), allows exceptions to the general prohibition on harvesting trees prior to the culmination of mean annual increment for a given timber stand. This decision will create exceptions consistent with the law at part (m)(2) with the following treatments: shelterwood removal, shelterwood preparation, thinning, sanitation, pine encroachment control, and coppice regeneration harvest. These treatments are described and the public made aware of these exceptions to the law in the pre-decision EA.

FINDINGS REQUIRED BY LAWS AND REGULATIONS

Executive Orders 11988 and 11990

No harvest activities will occur in riparian areas and no adverse effects to wetlands or to the integrity of floodplains due to project activities are anticipated (EA Section 3.3.1).

Endangered Species Act

No adverse effects are predicted on any threatened or endangered species (EA Section 3.2.2).

National Historic Preservation Act

Heritage resource inventories have been conducted in the project area, and potential effects on heritage resources have been considered. Sites determined to be eligible to the National Register of Historic Places will be protected through avoidance or mitigation. No adverse effects are anticipated. The South Dakota State Historic Preservation Officer has concurred with the determination of no effect (April 10, 2003 Case Number 030318004F). The Cheyenne River Sioux Tribe Preservation program concurred with the analysis of effects on cultural resources on February 11, 2004. The Section 106 compliance process is complete.

FINDING OF NO SIGNIFICANT IMPACT

Based on my review of the Riflepit EA, I have determined that the selected alternative is not a major federal action that would significantly affect the quality of the human environment. None of the environmental effects of my decision meet the definitions of significance in context or intensity (40 CFR 1508.27); therefore, an environmental impact statement will not be prepared. I base this conclusion on the following:

Context:

The significance of effects of my decision has been analyzed in several contexts. My decision is consistent with the requirements of the Revised Forest Plan and Phase I Amendment and contributes to meeting the goals of the Plan. None of the effects disclosed in the Riflepit EA are different from those anticipated in the FEIS for the Revised Forest Plan or the EA for the Phase I Amendment. Cumulative effects have been considered and analyzed for the project area and watersheds. Site-specific effects within the project area have been estimated and disclosed in the environmental assessment. The contribution of this project to the effects described in the FEIS, the possible cumulative effects, and the site-specific effects on the project area have all been considered in this determination.

Intensity:

Impacts that may be both beneficial and adverse. Both beneficial and adverse effects have been considered and disclosed in the EA.

The degree to which the proposed action affects public health or safety. Public health and safety will be minimally affected by the action. Mitigation measures included in the

EA are designed to minimize safety concerns associated with the project vegetation harvest treatments, fuels treatments, and transportation management actions.

Unique characteristics of geographic areas, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no known unique characteristics of the area that would be adversely affected by the project. No prime farmlands, park lands, wild or scenic rivers, or ecologically critical areas occur in the Riflepit project area. No adverse impacts are anticipated within floodplains. No adverse effects to wetlands or cultural resources are expected. No trend toward Federal listing or loss of species viability is expected for sensitive species as a result of the action. See chapter 3 of the EA and the project file.

The degree to which the effects on the quality of the human environment are likely to be highly controversial. The environmental effects of the proposed activities are known and there is little controversy over the actual effects. The effects on biological diversity have been described and mitigation has been included so the Riflepit EA can contribute to maintaining habitat for viable plant and animal populations, water quality, and soil productivity. I believe the kinds of effects that are likely to occur are not highly controversial. (Disagreement over the decision itself does not constitute controversy for the purpose of determining significance under 40 CFR 1508.27.)

The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The possible effects of this proposal are known because the actions are similar to other management activities on the National Forest. Timber harvesting has occurred in the Black Hills for over 120 years and has occurred previously in the Riflepit project area. Implementation of the proposed activities does not involve any unique or unknown risks.

The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The proposal does not set a precedent or represent a decision in principle for any future actions.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Similar and connected actions related to this proposal have been included as part of the alternatives and their effects analyzed and disclosed. This includes precommercial thinning and road reconstruction to access areas for timber harvest. Cumulative effects, including past, present, and reasonably foreseeable future actions, on both private and public lands, have been analyzed and disclosed. See chapter 3 of the EA and the project file.

The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources. No adverse effects on heritage resources are expected. The Cheyenne River Sioux Tribe Preservation program and the South Dakota State Historic Preservation Officer have concurred with the determination of no effect. See Chapter 3 of the EA.

The degree to which the action may adversely affect an endangered or threatened species or its habitat. No effects on threatened or endangered species are expected, as none are

known to occur within the project area with the exception of occasional winter use by bald eagles.

Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. All state water quality requirements will be met as well as other Federal, State, and local requirements imposed for the protection of the environment. Effects on water quality, floodplains, and wetlands are documented in the EA and project file. Mitigation measures are used to protect water quality and to meet standards imposed by the Forest Plan and the State. Best Management Practices are applied consistent with requirements of the Clean Water Act. Changes in air quality are expected to be negligible during harvest of sawtimber. Prescribed burning will comply with air quality standards, as addressed in more detail in the individual burn plans that will be developed for each burn. No violations of environmental laws and requirements were identified through the environmental effects analysis.

ADMINISTRATIVE REVIEW

This decision is subject to administrative review pursuant to Federal regulations at 36 CFR 215.11. Appeals (including attachments) must be in writing and filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the Appeal Deciding Officer (36 CFR 215.8) within 45 days following the date of publication of a legal notice of this decision in the Rapid City Journal. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an appeal (36 CFR 215.15 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source. Pursuant to 36 CFR 215.13 (b), only those individuals or organizations who submitted substantive comments during the comment period may file an appeal.

Where to File an Appeal

Mailing address:

USDA, Forest Service, Region 2
Attn: Appeal Deciding Officer
POB 25127
Lakewood, CO 80225-25127

Address for hand-delivery, express delivery, or messenger service:

740 Simms
Golden, CO 80401

Fax: (303) 275-5134

Email: appeals-rocky-mountain-regional-office@fs.fed.us

For appeals that are faxed, include a cover page stating how many pages are included within the fax.

For appeals filed electronically, the name of the project decision being appealed should appear in the subject line. Electronically filed appeals must be readable in either Word, Rich Text, or pdf formats. When an appeal is electronically mailed, the appellant should normally receive an automated electronic acknowledgement confirming agency receipt.

If the appellant does not receive an automated acknowledgement of the receipt of the appeal, it is the appellant's responsibility to ensure timely receipt by other means. (36 CFR 215.15(c)(3))

It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. At a minimum, an appeal must include the following (36 CFR 215.14):

- (1) Appellant's name and address (36 CFR 215.2), with a telephone number, if available;
- (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- (3) When multiple names are listed on an appeal, identification of the lead appellant (36 CFR 215.2) and verification of the identity of the lead appellant upon request;
- (4) The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- (5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (36 CFR 215.11(d));
- (6) Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- (7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- (8) Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
- (9) How the appellant believes the decision specifically violates law, regulation, or policy.

Notices of Appeal that do not meet the requirements of 36 CFR 215.14 will be dismissed.

Pursuant to 36 CFR 215.9(a), if no appeal is filed, implementation of this decision may occur on, but not before, the fifth day from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of the appeal disposition (36 CFR 215.9(b)).

Contact Person

For additional information on this decision or the project area, contact Dave Atkins, Northern Hills Ranger District, 2014 North Main Street, Spearfish, SD 57783, phone: (605) 642-4622, email: daatkins@fs.fed.us.

/s/ Brad Exton
BRAD EXTON
Acting Forest Supervisor
Black Hills National Forest

8/6/04
Date

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue SW, Washington DC 20250-9410, or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.